

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF PATSY A.	)	APPEAL NO. 06-A-2813
BEARMAN from the decision of the Board of Equalization	)	FINAL DECISION
of Kootenai County for tax year 2006.	)	AND ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing December 15, 2005, in Coeur d'Alene, Idaho, before Hearing Officer Steven Wallace. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Owner-Appellant Patsy A. Bearman made a prehearing written submission in lieu of a personal appearance at hearing. Residential Appraisal Manager Darin Krier and Appraiser Elizabeth MacGregor appeared for Respondent Kootenai County. This appeal is taken from a decision of the Kootenai County Board of Equalization effectively denying the protest of the valuation for taxing purposes of property described as Parcel No. 06780000030.

**The issue on appeal is the market value of a residential property.**

**The decision of the Kootenai County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$483,592, and the improvements' valuation is \$70,391, totaling \$553,983. Appellant requests a total value of \$360,000.

The subject property is .32 acres improved with an 1,120 square foot cabin built in 1957. County records list a portion of the cabin as unfinished living area. The subject lot has 100 front feet on Hayden Lake. A typical frontage is reported to be nearer 75 front feet.

Appellant reports insufficient ground to permit a new larger cabin or common septic tank system. The cabin is serviced by a cesspool and has no insulation. It is stated that there is no winter road access due to a steep hill. Running water is available for about six months a year.

Taxpayer's value claim is an estimate based on sales of "sort of" like property. No further

details on the indicated market information was provided.

The Assessor presented detailed information on five (5) comparable sales in support of the assessed value. Subject was last reappraised in 2003 and has been trended in recent years to reflect market price increases. Sixteen 2005 local sales formed the basis for the most recent trend factors. Subject's assessment was testified to be on the same basis as other nearby and like properties. From the five comparable sales, the Assessor believed sale no. 3 was the most indicative of subject's market value. This sale occurred in November 2005 and had a time-adjusted sale price of \$589,300. Lot size was .385 acres with lake frontage of 52.5 feet. The cabin was built in 1959 and had a total of 418 square feet. The County described subject's assessment as supported by the cost and sales comparison approaches.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Market value for assessment purposes is defined by statute, Idaho Code § 63-201(10), as follows.

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The Respondent Kootenai County presented several sales in support of subject's 2006 assessed value. Recent, proximate sales of similar property are generally considered good evidence of value. The current assessment appeared to be arrived at through periodic

revaluation and annual indexing as required in Idaho Code § 63-314. On appeal, the County specially singled out five sales as comparable to subject. Detailed information was presented on these five sales and an appraisal opinion that subject's assessed value was reflective of market value. Appellant presented property characteristics for subject. Our review finds the County records accurately reflected the information presented by Appellant. Taxpayer did not present any sales information for the Board to consider. The value claim of \$360,000 was not supported by any of the available market price information. Nor was the County assessment otherwise demonstrated to be in error.

The Appellant must demonstrate by a preponderance of the evidence that an assessment is in error. Idaho Code § 63-511(4). That burden of proof has not been met. Therefore the 2006 County assessment of subject property will be affirmed.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Kootenai County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 20th day of April, 2007.